



## Task Force on Court Facilities

455 Golden Gate Avenue, San Francisco, CA 94102-3660

### Meeting Report

August 30, 2001

Hilton Sonoma County/Santa Rosa  
Santa Rosa, CA

#### ATTENDEES:

#### TASK FORCE MEMBERS:

#### PRESENT:

Hon. Daniel J. Kremer, Chair  
Mr. Greg Abel  
Ms. Yvonne Campos  
Mr. John Clarke  
Mr. Mike Courtney  
Sheriff Robert T. Doyle  
Hon. Gary Freeman  
Mr. David Janssen\*  
Mr. Fred Klass  
Mr. Paul Krekorian  
Hon. Michael Nail  
Hon. Wayne Peterson  
Hon. Charles V. Smith  
Mr. Anthony Tyrrell  
Hon. Diane Elan Wick

\*Mr. Janssen was present for part of the meeting, including the vote on the July meeting report, but was not present for the votes on the other reports.

#### ABSENT:

Mr. Wylie Aitken  
Hon. Joan B. Bechtel  
Hon. Jerry Eaves

#### TASK FORCE STAFF:

Mr. Robert Lloyd, Project Director, Manager of Facilities Unit  
Mr. Robert Emerson, Project Manager,  
Senior Facilities Planner  
Ms. Patricia Bonderud, AIA, CSI, Facilities Planner

#### PRESENTERS:

Mr. Robert Lloyd, Administrative Office of the Courts  
Mr. Jay Smith, Daniel, Mann, Johnson, & Mendenhall

#### GUESTS:

Mr. John H. Abbott, County of Orange  
Ms. Kathy Bruns, DSA/Vitetta Group  
Mr. Joseph T. Fallin, Superior Court, County of Los Angeles  
Mr. Michael A. Fischer, Administrative Office of the Courts  
Mr. Peter W. Halstad, County of Mendocino  
Mr. C. Robert Jameson, Superior Court, County of Orange  
Mr. Dave Kronberg, County of Sonoma General Services  
Mr. Rubin R. Lopez, California State Association of Counties  
Ms. Kristine Metzker, DSA/Vitetta Group  
Mr. Jack Miller, County of San Diego  
Ms. Marilyn Mitchell, Superior Court, County of Yolo  
Ms. Nghia Nguyen, County of Orange  
Ms. Harriet Raphael, Administrative Office of the Courts  
Mr. Chuck Robuck, Superior Court, County of Sacramento  
Mr. John Siden, County of Yolo  
Mr. Dan Smith, DSA/Vitetta Group  
Mr. Christopher J. Tyas, Superior Court, County of Los Angeles  
Ms. Tania Ugrin-Capobianco, Superior Court, County of Mendocino  
Mr. John Van Whervin, Superior Court, County of Los Angeles

## **I. OPENING REMARKS – Justice Daniel Kremer**

A) Justice Kremer opened the task force meeting at 8:05 a.m. and reviewed the meeting agenda.

B) The task force reviewed and unanimously approved the meeting report from the July meeting in Goleta (Meeting # 18).

## **II. PUBLIC COMMENT – Justice Daniel Kremer**

A) Justice Kremer asked if anyone wished to make a public comment. There were no requests to make comments.

## **III. THE DRAFT FINAL REPORT, REVISED PHASE 5 REPORT, AND REPORT ON THE SUPREME COURT AND COURTS OF APPEAL – Mr. Jay Smith**

A) Mr. Smith reviewed a summary of the proposed changes, based on direction from the task force provided at the previous meeting, that have been incorporated in the draft final report. The summary had been distributed to the task force along with the draft final report prior to the meeting. The task force agreed upon additional changes as described below.

1) Justice Kremer suggested that in the Executive Summary, on page xvii, the second sentence of the second paragraph should be revised to read: "The increased revenues would offset a significant portion of the current facilities need and, if achieved, could fully fund the projected future need."

2) Regarding Figure 4 in the Executive Summary, the task force asked staff to propose a revised version that presented the costs in a clearer way and to submit the revised figure to the Finance Committee for review and approval for inclusion in the report.

3) Justice Kremer suggested that on page viii of the Executive Summary, the last line of the third paragraph be changed to: "The incentive program should reimburse county general fund expenditures for projects pre-approved by the Judicial Council and the state Department of Finance, and be conditioned on the enactment of trial court facilities legislation."

4) Mr. Abel suggested that the table on page xviii be labeled as Table 2. Mr. Abel also noted that on page xxvi above the beginning of Section 77654, there was an extra space that should be removed.

5) Mr. Emerson noted that in citations of the report Evaluation and Plan for the Supreme Court and Courts of Appeal in the Legislative Charge section, Supreme Court was incorrectly plural.

6) Mr. Abel suggested that in the paragraph on page 77 under Support Cost Adjustment, the parenthetical reference to Table 3A be deleted.

7) Justice Kremer and Mr. Abel suggested that on page 83, the beginning of the second sentence of the second bullet under Criminal Fine Penalties and Civil Filing Surcharges be changed to: "During the transition period from the effective date of the statute transferring court facilities..."

8) Regarding the discussion of Criminal Fine Penalties and Civil Filing Surcharges on page 85, Justice Kremer and Mr. Emerson suggested that the first line of the third paragraph be changed to read: "...\$5 per every \$10 in fines..." and Mr. Jay Smith

recommended that the end of the last sentence of the third paragraph be changed to read: "...as of the effective date of the statute."

9) Justice Kremer and Mr. Lloyd suggested that on page 85, the following be added to the end of the last paragraph: "The surplus could also be used to offset support costs, however, legislation would be required to allow the collected funds to be used for this purpose." In addition, Justice Kremer suggested that this language should be added to the Executive Summary [at the end of the next to the last paragraph on page xvii].

10) Justice Kremer suggested that the second line of the title of Figure 3K on page 86, be changed to read: "Scenario: Maximum Reuse – Pay-As-You-Go, with Proposed New Revenue" and the second line of the title of Figure 3H on page 80 be changed to read: "Scenario: Maximum Reuse Option – Pay-As-You-Go – With Existing Revenues".

11) Mr. Klass noted with regard to Figure 3K and Table 3K that terminology consistent with the preceding tables and figures should be used. Mr. Jay Smith recommended that in Figures 3H (on page 80), Figure 3I (on page 81), and Figure 3K (on page 86), the upper curve be labeled "Total Net Funding Need" (note that in Figure 3K in the draft Final Report this curve is labeled "Net Cost"). After further discussion on how to clarify the figures and associated tables, both in Chapter 5 and the corresponding ones in the Executive Summary, Justice Kremer noted the sense of the task force that the staff should review these and make a recommendation for review and approval by the Finance Committee.

12) Judge Wick noted that on page 92, the parenthetical reference in the third paragraph should be to the Health and Safety Code.

13) Judge Peterson raised the question whether the timing of the filling of staff positions, as noted in Table 4D on page 98, was consistent with the budget cycle. Mr. Abel suggested that the bullet "Judicial Council develops long-term and transitional organizations" be moved to the October 2001 to September 2002 section. Justice Kremer suggested, that to address Judge Peterson's comment, the third date/timeframe listed in the table be changed from "April 2002 to January 2003" to "July 2002 to January 2003"

14) Justice Kremer requested that on page 92 the beginning of the last sentence of the second paragraph be modified to read: "If rejection of a facility is upheld, a county shall be ....."

15) In response to a request made by the task force at the last meeting, Mr. Emerson noted that a letter will be sent to each commentator with a response to the comments made. Mr. Emerson will draft the letters and Judge Wick will review them. The letters will be sent in October along with the Final Report.

B) Mr. Smith noted that the revised Phase 5 report had been distributed to the task force prior to the meeting and he asked if there were any comments on the draft. He noted that the changes requested by the task force in Chapter 5 of the final report would be carried through to the Phase 5 report.

1) Regarding the revised Phase 5 report, Mr. Abel suggested that each of the appendices be preceded by a cover sheet, similar to those used for the Phase 4 report.

C) Mr. Smith noted that four comment letters had been received on the report, Evaluation and Plan for the Supreme Court and Courts of Appeal. The comments were generally complimentary, addressed only minor issues and no issues were raised relative to the overall evaluation of the facilities or the proposed options.

D) The task force took action as follows.

- 1) Mr. Abel moved that the report Evaluation and Plan for the Supreme Court and Courts of Appeal be approved subject to final approval by the chair of changes to address the comments. The motion passed unanimously.
- 2) Judge Wick moved to approve the final report, subject to the corrections requested in the meeting. All voted for the motion, except for Mr. Klass, who abstained. The motion passed.
- 3) Mr. Abel moved that the task force delegate approval of the report on the meeting to the chair. The motion passed unanimously.

E) The task force discussed its future role once the final report had been issued.

- 1) Mr. Abel expressed his view that the task force not continue considering issues related to court facilities as an ad hoc group.
- 2) Mr. Lloyd noted that Michel Fischer, of the AOC, will begin drafting legislation embodying the task force's recommendations for submission to the legislature under Judicial Council and CSAC co-sponsorship. Preparation of a Budget Change Proposal will precede completion of the legislation even though it may not be approved before the legislation is approved.
- 3) Mr. Abel distributed copies of AB 1549, introduced by Assembly Member Wiggins. Mr. Abel quoted from the bill to explain its purpose: "This bill would require the state, unless a court and a county otherwise mutually agree, to assume responsibility for suitable and necessary facilities for judicial officers and support staff for any judgeships authorized during the period from January 1, 1998, to December 31, 2002." The currently approved end date is June 30, 2001. Mr. Abel reported that the bill has been approved by the legislature and sent to the governor. Mr. Lopez urged all to support this bill. Mr. Abel pointed out that the dates coincide with the task force's recommended timeframe.
- 4) In response to Mr. Abel's inquiry, Mr. Lloyd explained that staff will submit the Phase 2 facilities guidelines for adoption by the Judicial Council.
- 5) In response a question from Mr. Janssen regarding the possibility of a follow-up meeting in March 2002, Justice Kremer explained that the task force's charge will be completed when the Final Report is issued. He requested that task force members be available on a consultative basis as consideration of the task force's recommendations move through the legislative process.
- 6) Mr. Emerson explained the initial distribution of the reports will be to the Governor, Legislature, and Judicial Council. Shortly after the initial distribution, the Final Report, along with a CD containing the reference documents, will be distributed to approximately 600 individuals representing groups with interests in court facilities.

#### **IV. TASK FORCE EXPENDITURES – Mr. Robert Lloyd**

A) Mr. Lloyd presented a review of the task force budget and expenditures.

## **V. MASTER PLANNING EFFORTS UNDERWAY AT THE ADMINISTRATIVE OFFICE OF THE COURTS – Mr. Robert Lloyd**

A) Mr. Lloyd presented an overview of the planning efforts underway at the AOC.

## **VI. CLOSING REMARKS – Justice Daniel Kremer**

A) Justice Kremer presented plaques and commemorative historic courthouse books to members of the task force who had not attended the task force dinner the previous evening. He requested that historic courthouse books and thank you letters be sent to all who served in the various working groups.

B) Mr. Abel presented Mr. Lloyd with a memento from the task force members in recognition of his outstanding efforts in leading the staff effort in support of the task force. Judge Peterson, on behalf of the members of the task force, presented Justice Kremer with a memento in recognition of his effective and distinguished leadership of the task force. Justice Kremer adjourned the meeting at 11:10 a.m.